

REMARKS

This is in response to the Office Action dated January 21, 2003. New dependent claims 9-10 have been added. Thus, claims 1-6 and 9-10 are now pending. Attached hereto is a marked-up version of the changes made to the claim(s) by the current amendment. The attached page(s) is captioned "**Version With Markings To Show Changes Made.**"

Claim 6 stands rejected under 35 U.S.C. Section 112, second paragraph. It is respectfully submitted that the change to claim 6 herein at the area referenced by the Examiner addresses and overcomes any issue in this respect.

Claim 6 stands rejected under 35 U.S.C. Section 102(e) as being allegedly anticipated by Kelly (US 6,103,168). This Section 102(e) rejection is respectfully traversed for at least the following reasons.

Claim 6 (Art Rejection)

Claim 6 as amended requires that the "thermoplastic elastomer portion comprises an approximately U-shaped connection portion comprising first and second elongated approximately parallel legs each of which engages a respective major surface of the polymer inclusive substrate in order to allow said attachment of the thermoplastic elastomer portion and the substrate, wherein an edge of said substrate fits into a channel defined between the first and second elongated approximately parallel legs of the thermoplastic elastomer portion." For example, and without limitation, see Fig. 2 of the instant application which illustrates that thermoplastic elastomer portion 23 comprises an approximately U-shaped connection portion 23a comprising first and second elongated

approximately parallel legs each of which engages a respective major surface of the polymer inclusive substrate 21 in order to allow attachment of the thermoplastic elastomer portion 23 and the substrate 21. As can be seen in Fig. 2, an edge of the substrate 21 proximate distal end 21c fits into a channel defined between the first and second elongated approximately parallel legs of the thermoplastic elastomer portion. The cited art fails to disclose or suggest the aforesaid underlined and quoted aspect of claim 6.

Kelly (US 6,103,168) discloses a rigid thermoplastic substrate 32 and a thermoplastic elastomer sealing lip 34. However, it is clear that Kelly fails to disclose or suggest an elastomer portion 34 which includes an approximately U-shaped connection portion comprising first and second elongated approximately parallel legs each of which engages a respective major surface of the substrate in order to allow attachment of the thermoplastic elastomer portion and the substrate as required by claim 6. In fact, Kelly teaches directly away from this aspect of claim 6 because a metallic portion of B-pillar 20 in Kelly is necessarily adjacent each end of substrate 32 thereby preventing any sort of approximately U-shaped connection portion with approximately parallel legs from engaging surfaces of the substrate as required by claim 6. In other words, even if portion 34 in Kelly had an approximately U-shaped portion (which it does not), the structure of claim 6 would still be impossible to achieve in Kelly due to Kelly's requirement for the B-pillar 20 to be located adjacent both ends of the substrate 32 – this would prevent opposing major surfaces of the substrate from being engaged by such a portion as required by claim 6.

Claim 1 (Art Rejection)

Claim 1 stands rejected under 35 U.S.C. Section 103(a) as being allegedly unpatentable over Kelly. This Section 103(a) rejection is respectfully traversed for at least the following reasons.

Claim 1 requires that the substrate include "nylon and propylene." As explained in the instant specification, the use of the *combination of nylon and propylene* in the substrate allows for the unexpected result of improved adhesion between the substrate and the elastomer portion (e.g., pg. 7, paragraph [0027]). The cited art fails to disclose or suggest the claimed combination of nylon and propylene in the substrate as required by claim 1.

Kelly discloses that substrate 32 may be made of polypropylene (e.g., col. 3, lines 26-30). However, Kelly fails to mention the claimed combination of nylon and propylene. Recognizing this deficiency in Kelly, the Office Action contends that it would have been obvious to have used nylon. This contention is respectfully traversed. First, there is no suggestion in Kelly or any other cited art for using the nylon required by claim 1. Second, there is no suggestion for using the claimed *combination* of nylon and propylene – Kelly mentions polypropylene and olefin as different materials which the substrate can be made of by fails to disclose or suggest that they may be used in *combination*.

The Section 103(a) rejection of claim 1 should be withdrawn.

Claims 9-10

Claims 9 and 10 require "an approximately U-shaped seal carrier supported by a projection extending from a base portion of said substrate, wherein the projection

extending from the base portion of said substrate fits into a channel defined between opposing legs of the approximately U-shaped seal carrier; and a seal to be provided between the approximately U-shaped seal carrier and a door of the vehicle." For example, and without limitation, see Fig. 2 of the instant application which illustrates approximately U-shaped seal carrier 31 supported by a projection 21b extending from a base portion of substrate 21, where the projection 21b fits into a channel defined between opposing legs of the approximately U-shaped seal carrier 31; and a bulb seal 29 to be provided between the approximately U-shaped seal carrier and a door of the vehicle.

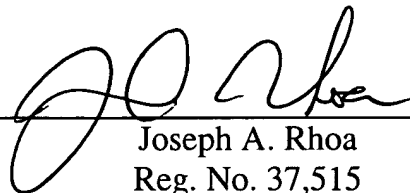
The cited art fails to disclose or suggest the aforesaid quoted aspects of claims 9-10.

For at least the foregoing reasons, it is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

1. (*Unamended*) Applique for use at a pillar area of a vehicle, the applique comprising:

an injection molded substrate including nylon and propylene;

an injection molded flexible thermoplastic elastomer portion including at least one flexible lip or leg for engaging a surface or edge of a vehicle window, and wherein said substrate and said thermoplastic elastomer portion are bonded together during injection molding step; and

wherein said thermoplastic elastomer portion and said substrate are of different materials having different hardness values which are selected so that the thermoplastic elastomer portion and the substrate are molded or bonded to one another during the injection molding step without a separate adhesive layer therebetween.

2. (*Unamended*) The applique of claim 1, wherein the lip or leg is for engaging a surface or edge of a vehicle windshield.

3. (*Unamended*) The applique of claim 1, wherein the substrate has a greater hardness or durometer than the thermoplastic elastomer portion of the applique.

4. (*Unamended*) The applique of claim 1, wherein said substrate includes a base portion and a protrusion extending from the base portion at an angle of approximately 90 degrees.

5. (*Amended*) The applique of claim 4, wherein the thermoplastic elastomer portion includes an approximately U-shaped connection portion for attachment to an end or edge of the substrate, the approximately U-shaped connection portion comprising first and second elongated approximately parallel legs each of which engages a respective major surface of the substrate in order to allow said attachment of the thermoplastic elastomer portion and the substrate, wherein an edge of the substrate fits into a channel defined between said first and second elongated approximately parallel legs of the approximately U-shaped connection portion.

6. (*Amended*) Applique for use at a pillar area of a vehicle, the applique comprising:

a polymer inclusive substrate;

a polymer inclusive flexible thermoplastic elastomer portion including at least one flexible lip or leg for engaging a surface or edge of a vehicle window, wherein said substrate and said thermoplastic elastomer portion are bonded together; [and]

wherein said thermoplastic elastomer portion and said substrate are of different materials having different hardness values which are selected so that the thermoplastic

elastomer portion and the substrate are molded or bonded to one another [during the] without a separate adhesive layer therebetween[.]; and

wherein said thermoplastic elastomer portion comprises an approximately U-shaped connection portion comprising first and second elongated approximately parallel legs each of which engages a respective major surface of the polymer inclusive substrate in order to allow said attachment of the thermoplastic elastomer portion and the substrate, wherein an edge of said substrate fits into a channel defined between the first and second elongated approximately parallel legs of the thermoplastic elastomer portion.

Please add the following new claims:

9. (New) The applique of claim 1, further comprising:

an approximately U-shaped seal carrier supported by a projection extending from a base portion of said substrate, wherein the projection extending from the base portion of said substrate fits into a channel defined between opposing legs of the approximately U-shaped seal carrier; and

a seal to be provided between the approximately U-shaped seal carrier and a door of the vehicle.

10. (New) The applique of claim 6, further comprising:

an approximately U-shaped seal carrier supported by a projection extending from a base portion of said substrate, wherein the projection extending from the base portion of

said substrate fits into a channel defined between opposing legs of the approximately U-shaped seal carrier; and

a seal to be provided between the approximately U-shaped seal carrier and a door of the vehicle.